

MINUTES LEESBURG PLANNING COMMISSION FEBRUARY 19, 2004

The Leesburg Planning Commission met on Thursday, February 19, 2004, in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Christopher Murphy, John Johnston, Delane Parks, Lee Phillips, Brian Boucher, Mac Willingham, Susan Swift and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Kennedy
Mayor Umstattd

Absent: Vice Chairman Werner
Commissisoner Dubé

ADOPTION OF THE AGENDA

Commissioner Kennedy moved to adopt the agenda as presented:

Motion: Kennedy
Second:
Carried: 5-0-2

ADOPTION OF MINUTES

Commissioner Kennedy moved to adopt the minutes of the February 5, 2004 meeting as submitted:

Motion: Kennedy
Second: Bangert
Carried: 5-0-2

CHAIRMAN'S STATEMENT

Chairman Vaughan reminded members of the public that both agendas and staff reports were available on the table near the Council Chambers entranceway. He then invited anyone interested in addressing the Commission to sign the Petitioners Sign in sheet. Items on the Agenda include Catoctin Circle Center, Holy Trinity Lutheran Church, Dulles Motor Cars and Providence Baptist Church under Subdivision and Land Development, Kentucky Fried Chicken and Leesburg Central under Zoning , and reports

from the Staff, Council representative and Liaison Representative's reports Under Old Business discussion on the Planning Commission Retreat, Residential Traffic Liaison appointee and the Terms of appointments for Planning Commission members. New business will address the upcoming APA Conference.

PETITIONERS

None

PUBLIC HEARINGS

None

SUBDIVISION AND LAND DEVELOPMENT

Catoctin Circle Center – TLPF-2003-0008 – John Johnston, Senior Planner

Mr. Johnston presented the development planned for the parcel on Catoctin Circle behind the Leesburg Plaza Shopping Center. It is a combination of buildings that will house offices, restaurants and retail shops situated in such a way that it incorporates a pedestrian friendly atmosphere. Some changes were made from the initial development plan, basically to place the restaurant uses away from the residential area along Edwards Ferry Road. Staff recommends approval of this development plan conditioned upon Department of Public Works and Department of Engineering comments.

Chairman Vaughan asked if the residents along Edwards Ferry Road had been made aware of the latest submission and the presentation to the Planning Commission this evening. He expressed surprise that there were no citizens present at this meeting. Mr. Vaughan went on to ask what traffic flow recommendations were made.

Mr. Johnston stated that there would be a left turn lane added to Catoctin Circle, but otherwise the plan as submitted showed adequate traffic patterns.

Commissioner Bangert asked about the height of the wall that would be put up as a buffer, Mr. Johnston responded that it would be a six foot wall.

Bob Woodruff of William H. Gordon and Associates, representing the applicant, came forward to explain how comments were incorporated into the original plan to make some of the changes. He went on to commend staff regarding open communications to assist in the redesign of the plan which essentially enhanced the pedestrian movement.

Vincent McCollum of the Smith Group had some pictures of renderings of how the development would look at day and at night. The area is designed to attract daytime and nighttime traffic and has been designed to be sensitive to the neighbors. The rear of the structure will also incorporate the building design.

Commissioner Vaughan asked if there would be shops facing the residences. Mr. McCollum noted that there would be no shops facing the neighborhood. That area would be solely for employee entrances and would incorporate appropriate security lighting.

Commissioner Kennedy expressed his delight with the project.

Mayor Umstattd thanked the designers for making the rear of the project more attractive and for incorporating water features.

Commissioners Hoovler and Bangert also expressed their positive feelings about this project.

Paul Draisey reported that he had met with several of the neighbors and has not encountered any negative feelings about the development.

Commissioner Bangert asked about the trees that are between the site and the neighborhood and whether any of them could be saved. Mr. McCollum responded that yes, they had looked at these trees and will be checking the root system, etc to see what can be done to preserve them. Ms. Bangert was also concerned about the pedestrian access from Plaza Street into the site. Mr. Johnston responded that the applicant would start a sidewalk system, but that it would be up to the town to complete it to the street.

A motion was made by Commissioner Kennedy to approve the Catoctin Circle Center preliminary development plan conditioned upon review comments from the Department of Planning, Zoning and Development dated February 12, 2004 and by the Departments of Engineering and Public Works dated February 11, 2004 will be satisfied on the final development plan as agreed to by the applicant in a letter dated February 13, 2004. It is further recommended that the Commission grant approval of the proposed shared loading Per Section 11.10.2 of the Leesburg Subdivision and Land Development Regulations.

Motion: Kennedy
Second: Bangert
Carried: 5-0-2

Holy Trinity Lutheran Church – TLPF – 2003-0010 – John Johnston, Senior Planner

Mr. Johnston explained that the Holy Trinity Lutheran Church is planning a 10,581 square foot addition, a recreation area and expanded parking and buffering area. This submission was presented to the Board of Architectural Review at their February 18, 2004 meeting, but their comments have not been submitted yet at this time. This briefing is to make the Commission aware of the project and allow time for input. No action is required at this time.

Commissioner Kennedy asked if all of the road improvements had been handled properly.

Chairman Vaughan stated that this was an important issue, that many calls had been received regarding the positioning of the road and the resulting traffic patterns.

Mr. Johnston stated that these had been modified to an acceptable level.

Mayor Umstattd asked about the left turn lane Northbound onto Catocin Circle..

Mac Willingham said that in order to add a lane, they would have to build it on their property.

Mayor Umstattd said that yes, this was the issue and that they had hesitated to agree to this initially.

Susan Swift stated that they reluctantly agreed to the turn lane because it needed Board approval on their part, but it has since been resolved.

Commissioner Hoovler asked about the failure along the banks of Town Branch. How much impact will this project have on the further degradation of Town Branch. It doesn't seem that this has been addressed in this report.

Mr. Willingham said that stabilization will be necessary and the steep banks and playground area could be undermined unless this is addressed.

Commissioner Hoovler went on to ask if the church was working with Mr. Zamouda to address his concerns. Mr. Johnston said that he will be brought into the process.

Commissioner Bangert asked about the steeple height and whether it was within the height guidelines. Susan Swift responded that churches are exempt to a point.

No applicant representative was present.

Dulles Motor Cars – TLPF-2003-0005 – Delane Parks, Senior Planner

Mr. Parks gave a presentation on the planned auto sales and repair business along with the paved area for parking and vehicular display/storage. The applicant was unable to be here at the meeting and is willing to delay decision if the questions or concerns on the project warrant that. The rear fence was an issue, but that has been resolved. The Town Arborist did ask for a cleaner landscape plan which was provided. There was no public comment on the site. Staff recommends approval based on the Special Exception conditions.

Commissioner Hoovler made the motion to approve the Preliminary/Final Development Plan of Dulles Motor Cars, 307 Parker Court, conditioned upon satisfactory resolution of the remaining review comments from the Dept of Planning, Zoning and Development dated December 17, 2003 and the Departments of Engineering and Public Works dated January 7, 2004 and as agreed to in a letter dated February 9, 2004.

Motion: Hoovler
Second: Kennedy
Carried: 5-0-2

Providence Baptist Church Addition – TLDW 2003-0005 – Lee Phillips, Chief,
Current Planning

This application has already been approved and consists of a 3600 square foot addition to the existing church. It has been reviewed and approved by the Board of Architectural Review and has been issued a No Adverse Impact Certification from the Department of Engineering and Public Works. There is no action required.

Commissioner Kennedy asked if the \$3,000 trip point was still a good number to use as a No Adverse Impact approval, or should it be raised? Mr. Phillips responded that this amount was tied into bonding some time ago and has worked so far. Perhaps they could look into this.

Susan Swift said that this really didn't even have to be put on the agenda, but as a business friendly courtesy it was brought up. In the future, these types of cases will be presented as information only.

Mac Willingham said that the fee is under review. They are doing some studies to see if the fees are still in line.

Chairman Vaughan called for a five minute break at this time (8:00pm)

The meeting reconvened at 8:08pm.

ZONING

Kentucky Fried Chicken – SE 2002-12

Applicant Requested Deferral until March 4, 2004 Planning Commission Meeting.

Leesburg Central – ZM-2003-06 – Christopher Murphy, Senior Planner

Mr. Murphy recapped the development plans for the Leesburg Central Project. It is recommended that the rezoning application be approved subject to conditions contained in the report. One major issue remaining is the amount of the offsite transportation contribution. The Town Plan calculates that the applicant would be responsible for \$67,146.78 while the applicant is offering \$20,000.

Commissioner Bangert asked how the additional square footage would impact the allotted parking required. Mr. Murphy stated that he was still within his requirements with the new plan. She also asked about the statement that the site will generate more in

tax revenue than it will demand in services. Will this still hold true if they lease to the county?

Mayor Umstattd responded that as long as it is privately owned, the owner still pays the tax, regardless of the tenant.

Ms. Bangert asked if the building near the Bishop house is two or three stories. It is three stories.

Commissioner Hoovler asked about the low architectural wall – is this still in the plan? Mr. Murphy responded that yes, it is.

Commissioner Kennedy had a question regarding the \$20,000 offsite transportation improvements. He asked if the recommendation of approval included the \$20,000 or the \$67,000 plus improvements. Mr. Murphy stated that the Commission can encumber the applicant with the entire amount. The applicant, on the other hand, can petition Council to reduce this amount.

James Turner, the applicant came forward to address the Planning Commission. He stated that the building that is referred to as a three-story building is basically equal height to the surrounding buildings because of the slope in the area. Mr. Turner went on to discuss costs of the project and the changes that he made to assure that this would be a high quality development. Because he has gone for the higher grade building, high quality architect, etc. saved the Bishop House, and is still trying to keep this an economically viable development he requested that consideration be given on the amount of money that he is required to give toward the offsite transportation considerations.

Commissioner Barnes asked if all of the issues with the neighbors had been addressed. Mr. Turner responded that yes, he had been in contact with most of the neighbors.

Commissioner Kennedy expressed his eagerness in seeing this proposed development become reality. He said it definitely looks like a win win situation for all involved. He did go on to say that he does differ with the applicant on the amount that should be paid the town for the offsite transportation considerations. He did not feel it would be equitable to the citizens.

Mr. Turner stated that he would be losing revenue because the Bishop house is to remain residential rather than be converted to a commercial use, and asked that this be taken into consideration.

Mayor Umstattd thanked everyone for working together on this plan. She said she didn't think there was a separate parking fund that could be tapped for improvements at a later date and said that she did understand the position the applicant was taking in this regard.

Commissioner Hoovler also thanked the applicant and said this would indeed be a signature development. He wanted to know what the interior of the building would look

like (the portion that faces the parking lot). Mr. Turner said they are still working on that part of the design.

Chairman Vaughan asked if the backsides of the buildings would be as attractive as the front. Mr. Turner said that yes, they will work to make this attractive all the way around.

Commissioner Bangert stated that Mr. Turner indicated that he might sell part of this development. What percentage is he speaking about? Mr. Turner responded that he really has no idea at the present time, it all depends on economics. She went on to thank him for the time he has taken to present his project.

Commissioner Vaughan went on to say that the unique character of the development is in line with the presentation given by Mr. McMahon a few weeks ago. He feels that everyone likes it and hopes that all works out well. It seems that the neighbors are also pleased with the final outcome. He went on to say that he is not opposed the \$47,000 difference in the improvement payment required and said that the reason of superior quality should be stressed when this comes up.

Mayor Umstattd mentioned that they are reviewing incentives to produce superior developments such as this.

Commissioner Kennedy made a motion to include the town's recommendation in accordance with offsite transportation clauses. It was moved that the Planning Commission recommend to the town council the rezoning application ZM2003-06, Leesburg Central be approved subject to the eight conditions placed before the Commission on February 19, 2004 which does include number four that proffer #6 should include \$67,146.78 in accordance with the *Off Site Transportation Cost Data Cost Per Unit Development by Land Use* as found in Table 8.4 of the Town Plan and as recommended by the Transportation Engineer in a memorandum dated December 11, 2003.

Moved: Kennedy
Second: Bangert
Carried: 5-0-2

COMPREHENSIVE PLANNING

Susan Swift reported that there will be minutes available for the 60/40 meeting that was held on January 21. There will be a request of Council to allow Town Staff to interact with County Staff regarding future development of areas just outside of the town limits. More research will be done on the 60/40 issue, one is from the budget office on costs and the others are from the Economic Development Department.

Commissioner Hoovler asked about the tours that were held and said that he would like to have the developers present when they do go on the tour again. Ms. Swift said they will look into the best timeframes to hold the tour and will try to give one month's notice.

COUNCIL AND REPRESENTATIVE'S REPORT

Mayor Umstattd commended Messrs. Murphy, Boucher and Phillips as a result of conversations with citizens within the communities surrounding the proposed developments.

She went on to report that Bill Wolf, head of the Tree Commission, passed away over the past weekend. He was a former member of the Planning Commission.

Commissioner Hoovler reported on the Economic Development Commission meeting. He said there was a written report on the Planning Commission activities based on the Manager's Report. There was a presentation by Georgie Emory about loans for small businesses and government contracting. The Economic Development Department provided input on the Barber and Ross site, along with some ratings on the business development in town.

OLD BUSINESS

Commissioner Bangert asked about the status of Leegate, the Leesburg Commons property and the school sites. Susan Swift reported that Leegate was sold and there is no immediate interest in developing the property. There is some interest in developing Leesburg Commons which was recently sold. They may request a change in the zoning from industrial to mixed use planned development. The school board will be asking that the school site be brought into the town limits. There is an elementary school proposed to open in 2005 and a high school in 2008. There will most likely be an accelerated schedule to bring this on line.

Commissioner Kennedy stated that the process for the Francis Reid school was on a very tight schedule and hopes that this is not repeated with this new school.

Ms. Swift says that there are sketch plans that are being reviewed for traffic studies, etc. She reported that they have been meeting with the County and the School Board to come up with a timeline.

Chairman Vaughan stated that the school board was always on a very tight schedule with every school. He said that he really does not want to go through that again. It results in rushing everything through. Ms. Swift said that discussions had come up regarding the rush on these projects and she feels that they did get the message. The Boundary Line Adjustment process has begun since this can be a lengthy process.

Commissioner Bangert asked about Meadowbrook (Leesburg South). She understood that this had been returned. Ms. Swift said that the traffic study was inadequate so they were asked to revise it. Ms. Bangert wanted to know how the Commission could become more involved in how this development shapes up. Commissioner Kennedy also expressed concern about input into the development and how they can meet with the

developers. Ms. Swift said that too early in the process is not good. Listening to any presentations that the developers might have is one way to become informed. Perhaps we can ask the developer to do a presentation to the Commission. She expressed concern over giving input when the actual plans are not yet completely analyzed by the Staff.. She asked that the Commission proceed with caution.

Mayor Umstattd asked what constitutes an acceptable traffic study. Susan Swift responded that there is an outline in the Code. Looking at all intersections and locations where the site will generate traffic. The Engineering Department has stringent guidelines over the entire impact of the additional traffic flow.

Chairman Vaughan asked if after the preliminary application and public hearing, can they have worksessions to carefully monitor the results.

Ms. Swift responded that they could, they must, however, set out a schedule for the process in order to keep everything on a reasonable schedule. She feels that they do want to work with everyone and realize that this application will have a large impact on the area.

Chairman Vaughan expressed concern over having a public hearing prior to being fully educated about the application. Commissioner Hoovler said he would like to see worksessions begin early in the process so that the Commission can get a sense of what is being proposed. He feels this way the public hearing stage will go more smoothly. Susan Swift said that after the staff deems their application sufficient would be the time to begin the presentations.

Chairman Vaughan stated that it is important that the process is set out. He does not want the Commission to critique a project that the staff has not had input in.

Commissioner Kennedy feels that this type of application will put a lot of pressure on staff. The development already has a website – www.meadowbrook.com. He wants to get involved in this development as soon as possible, working through the conduit of the staff.

Commissioner Bangert asked if staff could talk to the applicant. Ms. Swift agreed. She thinks that a preliminary briefing is a good idea and reiterated that limiting comments and keeping it to asking questions is the important part of the briefing.

Commissioner Hoovler asked that they get a preliminary briefing, rather than wait for staff recommendations. He feels that the Council should also be involved. Ms. Swift cautioned that the staff may have different opinions than the Commission.

Mayor Umstattd mentioned that she is letting citizens know that this will not be a quick vote. Ms. Swift said that a schedule will be worked out that will include worksessions, etc. and everything leading up to the public hearing stage.

MINUTES LEESBURG PLANNING COMMISSION FEBRUARY 19, 2004

Commissioner Kennedy said that time is money and while setting out exact dates is admirable, it can pressure the applicant.

Susan Swift announced that a new Senior Planner had been hired for Comp Planning.

Chairman Vaughan said the next item for discussion was the Planning Commission retreat. Susan Swift said she understood that they did not want a full blown retreat, but a meeting for a few hours to discuss the duties of the Commission.

Commissioner Hoovler said that he felt they needed at least four hours to cover the various topics of discussion. He said he recently found out that there was Board and Commission training available. Mayor Umstattd said she believed that Dona Wolf had a program put together. Mr. Hoovler said he thought this could be a part of the program and would be beneficial to everyone. Discussing group norms, how the group operates both as a group and individually, and realizing this is not a political body are all important topics.

Chairman Vaughan stated that possibly a facilitator should be brought in. He went on to say this would be a good time to review the by-laws. Mr. Hoovler said it was an excellent opportunity to set some standards and define roles.

Susan Swift said she would research some facilitators. It was decided that either March or April would be a good time.

Chairman Vaughan brought up the Residential Traffic Liaison as the next topic of discussion. Lyle Werner does not wish to continue as the present liaison. Commissioner Barnes was asked if he would be interested in taking this on.

Commissioner Hoovler moved to appoint Mr. Ad Barnes as liaison to the Residential Traffic Committee.

Motion: Hoovler
Second: Kennedy
Carried: 5-0-2

Terms of Appointment was next for discussion. Chairman Vaughan explained that currently most commissioners serve four years, but the Mayor's appointee serves two years. He suggested that commissioners be appointed as a whole, therefore eliminating the tenure discrepancy.

Commissioner Hoovler suggested that further discussion should wait until there is a full Commission present. Chairman Vaughan made the point that there is usually some one absent from the meeting and perhaps they should continue the discussion.

Commissioner Kennedy pointed out that one Councilmember has announced that he will not seek another term, another is undecided and even the Chairman's appointment will

depend on whether the Vice Mayor is re-elected. It remains unclear if the council would make the proper appointments under advisement.

Mayor Umstattd said no one appoints anyone. Councilmembers make recommendations but the vote is by the entire Council. She said that many appointees become adopted by new Councilmembers if they have been strong commissioners. She went on to say that the Mayoral appointee should be appointed for four years and welcomed further discussion on that.

Chairman Vaughan said that the appointment is still made by a particular Councilmember and that continues to make that appointee a representative of that particular Councilmember. He feels that applications should be taken on a level plane and that the Council should then interview the individuals and collectively vote on acceptance. That would eliminate tying a commissioner to a Councilmember.

The Mayor agreed that it would be a more fair system, but is more time consuming. She went on to say that she didn't know how the Council would feel about this change. She feels that the current system of each Councilmember obtaining an appointee puts a lot of pressure on that Councilmember and is not the most fair way to make appointments.

Commissioner Bangert said that she wants to make this change for the Planning Commission only, not all Commissions. She said they are technically the liaison between the citizenry and the Council and the current system ties them to a particular individual.

Chairman Vaughan asked staff to prepare a motion stating – Recommendation for Planning Commission members that the Town Council reinstate the process for identifying and appointing Commissioners by the Council as a Whole process.

NEW BUSINESS

Susan Swift asked that anyone interested in attending the APA Conference to let her know. The conference is being held in Washington, DC this year and is a great opportunity for Commissioners to gain some important planning knowledge.

There was some further discussion regarding some of the logistics including transportation, sessions to attend, etc.

ADJOURNMENT

The motion was made and seconded to adjourn the meeting at 10:09pm

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman

